

PLEASE NOTE THAT A FORMAL APPLICATION FOR A HABITAT LOSS PERMIT HAS NOT BEEN FILED AT THIS TIME. THE FOLLOWING IS A DRAFT FORM OF DECISION FOR A HABITAT LOSS PERMIT SHOWING THE FORMAT AND POSSIBLE CONDITIONS FOR A FUTURE HABITAT LOSS PERMIT. BECAUSE A FORMAL APPLICATION HAS NOT BEEN FILED, CERTAIN DATES, FINDINGS AND OTHER INFORMATION IS ABSENT FROM THE DRAFT FORM OF DECISION, THIS INFORMATION WILL BE INCLUDED IN THE FINAL FORM OF DECISION.

DRAFT DATE: July 12, 2010

Terry Brown & Michael Hefner
31460 Aquaduct Road
Bonsall, CA 92003

**DRAFT DECISION OF THE DIRECTOR
Habitat Loss Permit**

APPLICATION NUMBER: HLP XX-XXX, ER 09-02-002

ASSOCIATED PERMIT(S): TPM 21159

NAME OF APPLICANT: Terry Brown & Michael Hefner

DESCRIPTION/LOCATION OF LOSS:

The project is a minor subdivision of 57.9 acres into four residential lots plus a remainder lot, ranging in size from 4.3 to 31.9 acres net. The project will impact 7.8 acres of Diegan coastal sage scrub (CSS) of the total 45.2 acres present onsite, as shown on the attached Habitat Loss Exhibit. The project includes the grading of four new residential pads as well as the construction of a fire access road, driveways and on-site septic systems.

The project site lies along Aquaduct Road, west of Interstate 15 in the Bonsall Community Plan Area within unincorporated San Diego County as indicated on the attached USGS map. The site currently contains a single family residence and includes native habitat and a small area of existing agriculture. Surrounding uses include single-family residences, agricultural uses, vacant land and Interstate 15.

Biological resources on the project site were evaluated in a Biological Resources Report prepared Bill Everett (May 18, 2010). On-site habitat includes Diegan coastal sage scrub, southern mixed chaparral, orchards and vineyards and developed and disturbed lands. Two sensitive wildlife species and no sensitive plant species were

identified onsite: Turkey Vulture (*Cathartes aura*) and California Gnatcatcher (*Polioptila californica californica*). Protocol surveys for the California gnatcatcher were performed in July, 2009. A single California gnatcatcher was observed in the northern portion of the project site within the proposed onsite open space easement.

The proposed project will impact 9.2 acres, as listed in Table 1. Mitigation will occur through the onsite preservation of 35.1 acres of Diegan coastal sage scrub and 1.5 acres of southern mixed chaparral. The Diegan coastal sage scrub habitat is considered to be of intermediate quality as determined by the criteria established under the Natural Community Conservation Planning (NCCP) Logic Flow Chart. Mitigation ratios are listed in Table 1. The onsite biological open space will consist of 35.1 acres of Diegan coastal sage scrub and 1.5 acres of southern mixed chaparral. Therefore, all impacts associated with the development of the Hefner-Brown property will be mitigated to a level below significance. The proposed project is in conformance with all standards and guidelines outlined in the NCCP Process Guidelines.

Table 1.

Habitats	Existing (acres)	Impact Neutral *	Impacts (acres)	Onsite Preservation	Mitigation Required	Onsite Mitigation (acres)	Offsite Mitigation (acres)
Diegan Coastal Sage Scrub	45.2	2.3	7.8	35.1	23.4 (3:1)	23.4	0
Southern Mixed Chaparral	4.0	1.1	1.4	1.5	0.7 (0.5:1)	0.7	0
Orchard & Vineyard	2.1	--	--	--	--	--	--
Urban/ Developed	6.6	--	--	--	--	--	--
Total	57.9	3.4	9.2	36.6	24.1	24.1	0

*Includes areas within existing easements and existing roadway fire clearing requirement zones.

DECISION:

The Director of Planning and Land Use has approved your application for a HABITAT LOSS PERMIT. This Habitat Loss Permit approval does not become final until both the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (CDFG) concur with the Director's approval, by either of the following:

1. Concurrence implied by allowing a 30-day period, initiated by their receipt of this decision, to lapse without presenting written notification to the County that the decision is inconsistent with the Southern California Coastal Sage Scrub (CSS) Natural Community Conservation Planning (NCCP) Process Guidelines (CDFG, November 1993) or any approved subregional mitigation guidelines; or

2. Granting concurrence through written notification to the County prior to the conclusion of the 30-day period, initiated by their receipt of this decision, that the project is consistent with the Southern California CSS NCCP Process Guidelines or any approved subregional mitigation guidelines.

Pending the issuance of an associated Grading Permit, Clearing Permit or Improvement Plan from the County of San Diego, this Habitat Loss Permit allows for the loss of the above-described coastal sage scrub habitat (see attached Habitat Loss Exhibit) and incidental take of the California gnatcatcher for a period of one calendar year commencing the day concurrence is given by both the USFWS and CDFG. If the loss of habitat, as authorized by this Habitat Loss Permit, has not occurred within this one-year period, this Habitat Loss Permit and the authorization for the loss of coastal sage scrub habitat expires.

This Habitat Loss Permit cannot be relied upon for the clearing, grading or removal of any vegetation until a valid Grading Permit, Clearing Permit or Improvement Plan has been issued from the County of San Diego authorizing such vegetation removal. Furthermore, use and reliance upon this Habitat Loss Permit cannot occur until all of the requirements as specified within the "Conditions of Approval" section of this permit have been satisfied.

CONDITIONS OF APPROVAL:

The following conditions are being placed on TPM 21159. For the final Habitat Loss Permit, the list of conditions will be modified to require satisfaction of all conditions prior to use and reliance on the HLP.

APPROVAL OF MAP: The conditions shall be complied with before a Parcel Map is approved by the Board of Supervisors and filed with the County Recorder of San Diego County (and, where specifically, indicated, shall also be complied with prior to approval of any plans, and issuance of any grading or other permits as specified):

1. **BIOLOGICAL EASEMENT: [DPLU, PCC] [DPR TC, GPM] [DGS, RP] [MA, GP, IP] [DPLU, FEE X 2]. Intent:** In order to protect sensitive biological resources, pursuant to the Resource Protection Ordinance (RPO) and the County of San Diego Guidelines for Determining Significance for Biological Resources, a biological open space easement shall be granted. **Description of Requirement:** Grant to the County of San Diego by separate document, an open space easement, or grant to the California Department of Fish and Game a conservation easement, as shown on the approved Tentative Parcel Map. This easement is for the protection of biological resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to

periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation. The only exceptions to this prohibition are:

- a. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the Uniform Fire Code and the Memorandum of Understanding dated February 26, 1997, between the wildlife agencies and the fire districts and any subsequent amendments thereto.
- b. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of Planning and Land Use, Parks and Recreation or the Director of Public Works.

Documentation: The applicant shall prepare the draft plats and legal descriptions of the easements, then submit them for preparation and recordation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. Upon Recordation of the easements, the applicant shall provide copies of the recorded easement documents to [DPLU, PCC] for approval.

Timing: Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the easements shall be executed and recorded.

Monitoring: The [DGS, RP] shall prepare and approve the easement documents and send them to [DPLU, PCC] and [DPR TC, GPM] for preapproval. The [DPLU, PCC] shall preapprove the language and estimated location of the easements before they are released to the applicant for signature and subsequent recordation. Upon Recordation of the easements [DGS, RP] shall forward a copy of the recorded documents to [DPLU, PCC] for satisfaction of the condition.

2. LBZ EASEMENT: [DPLU, PCC] [DGS, RP][MA, GP, IP] [DPLU, FEEX 2]

Intent: In order to protect sensitive biological resources, pursuant to the Resource Protection Ordinance (RPO) and the County of San Diego Guidelines for Determining Significance for Biological Resources, a Limited Building Zone Easement shall be granted to limit the need to clear or modify vegetation for fire protection purposes within an adjacent biological resource area. **Description of**

Requirement: Grant to the County of San Diego a Limited Building Zone Easement as shown on the approved Tentative Parcel Map. The purpose of this easement is to limit the need to clear or modify vegetation for fire protection purposes within the adjacent biological open space easement and prohibit the construction or placement of any structure designed or intended for occupancy by humans or animals. The only exceptions to this prohibition are:

- a. Structures designed or intended for occupancy by humans or animals located no less than 100 feet from the nearest biological open space easement boundary, provided that the structures meet the minimum Fire-Resistive Construction Requirements as defined by the Fire Protection Authority (FPA) having jurisdiction over the property and that FPA has approved in writing a reduction in the vegetation clearing/fuel modification requirements so that they will not be required within any portion of the biological open space easement.
- b. Decking, fences, and similar facilities.
- c. Sheds, gazebos, and detached garages, less than 250 square feet in total floor area, that are designed, constructed and placed so that they do not require clearing or fuel modification within the biological open space easement, beyond the clearing/fuel modification required for the primary structures on the property.

Documentation: The applicant shall prepare the draft plats and legal descriptions of the easements, then submit them for preparation and recordation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. Upon Recordation of the easements, the applicant shall provide copies of the recorded easement documents to [DPLU, PCC] for approval.

Timing: Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the easements shall be recorded. **Monitoring:** The [DGS, RP] shall prepare and approve the easement documents and send them to [DPLU, PCC] for pre approval. The [DPLU, PCC] shall preapprove the language and estimated location of the easements before they are released to the applicant for signature and subsequent recordation. Upon Recordation of the easements [DGS, RP] shall forward a copy of the recorded documents to [DPLU, PCC] for satisfaction of the condition.

3. **OPEN SPACE SIGNAGE: [DPLU, PCC] [MA, GP, IP] [DPLU, FEE]. Intent:** In order to protect the proposed open space easement from entry, informational signs shall be installed. **Description of Requirement:** Open space signs shall be placed along the biological open space boundary as indicated on the approved Preliminary Grading Plan. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

**Sensitive Environmental Resources
Area Restricted by Easement**

Entry without express written permission from the County of San Diego is prohibited. To report a violation or for more information about easement restrictions and exceptions contact the County of San Diego,
Department of Planning and Land Use
Reference: 3200-21159, 3910-09-02-002

Documentation: The applicant shall install the signs as indicated above and provide site photos and a statement from a California Registered Engineer, or licensed surveyor, that the open space signs have been installed at the boundary of the open space easement. **Timing:** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the open space signs shall be installed. **Monitoring:** The [DPLU, PCC] shall review the photos and statement for compliance with this condition.

4. **OPEN SPACE FENCING: [DPLU, PCC] [MA, GP, IP] [DPLU, FEE].**

Intent: In order to protect the proposed open space easement from entry, and disturbance, permanent fencing shall be installed.

Description of Requirement: Open space fencing shall be placed along the biological open space boundary as indicated on the approved Preliminary Grading Plan. The fencing design shall consist of split rail fencing at least 4-feet in height.

Documentation: The applicant shall install the fencing as indicated above and provide site photos and a statement from a California Registered Engineer, or licensed surveyor that the open space fencing has been installed. **Timing** Prior to the approval of the and prior to the approval of any plan and issuance of any permit, the fencing or walls shall be placed. **Monitoring:** The [DPLU, PCC] shall review the photos and statement for compliance with this condition.

PRE-CONSTRUCTION MEETING: *(Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances.)*

(BIOLOGICAL RESOURCES)

5. **"TEMPORARY FENCING: [DPLU, PCC] [DPW,PDCI] [PC] [DPLU, FEE].**

Intent: In order to prevent inadvertent disturbance to proposed onsite open space, temporary construction fencing shall be installed.

Description of Requirement: Prior to the commencement of any grading and or clearing in association with this grading plan, temporary orange construction fencing shall be placed to protect from inadvertent disturbance of all open space easements that do not allow grading, brushing or clearing.

- a. Temporary fencing is also required in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary.
- b. The placement of such fencing shall be approved by the DPLU, Permit Compliance Section. Upon approval, the fencing shall remain in place until the conclusion of grading activities after which the fencing shall be removed.

Documentation: The applicant shall provide evidence that the fencing has been installed and have a California licensed surveyor certify that the fencing is

located on the boundary of the open space easement. The applicant shall submit photos of the fencing along with the certification letter to the [DPLU, PCC] for approval. **Timing:** Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances the fencing shall be installed, and shall remain for the duration of the grading and clearing. **Monitoring:** The [DPLU, PCC] shall either attend the preconstruction conference and approve the installation of the temporary fencing, or review the certification and pictures provided by the applicant.”

6. “RESOURCE AVOIDANCE: [DPLU, PCC] [DPW, PDCI] DPLU, FEE X2].

Intent: In order to avoid impacts to avian species, which are a sensitive biological resource pursuant to the Migratory Bird Treaty Act (MBTA), a Resource Avoidance Area (RAA), shall be implemented on all plans. **Description of Requirement:** There shall be no brushing, clearing and/or grading such that none will be allowed during the avian breeding season within Resource Avoidance Area (RAA) “A” as indicated on these plans. The breeding season is defined as occurring between January 15 and August 31. The Director of Planning and Land Use [DPLU, PCC] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Game, provided that no nesting avian species are present in the vicinity of the brushing, clearing or grading. **Documentation:** The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. Although, No Grading shall occur within the RAA until concurrence is received from the County and the Wildlife Agencies. **Timing:** Prior to preconstruction conference and prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the grading and construction, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. **Monitoring:** The [DPW, PDCI] shall not allow any grading in the RAA during the specified dates, unless a concurrence from the [DPLU, PCC] is received. The [DPLU, PCC] shall review the concurrence letter.”

FINAL GRADING RELEASE: *(Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).*

(BIOLOGICAL RESOURCES)

- 7. OPEN SPACE SIGNAGE & FENCING: [DPLU, PCC] [DPW, PDCI] [FG, UO] [DPLU, FEE].** **Intent:** In order to comply with Conditions 3 and 4 pursuant to the adopted Mitigation Monitoring and Reporting Program (MMRP) for TPM 21159, the fencing and signage shall be installed. **Description of Requirement:** The permanent fences and open space signs shall be placed along the open space boundary as shown on these plans and the Approved Conceptual Grading and Development Plan for TPM 21159.

- a. Evidence shall be site photos and a statement from a California Registered Engineer, or licensed surveyor that the permanent walls or fences, and open space signs have been installed.
- b. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

**Sensitive Environmental Resources
Area Restricted by Easement**

Entry without express written permission from the County of San Diego is prohibited. To report a violation or for more information about easement restrictions and exceptions contact the County of San Diego,
Department of Planning and Land Use
Reference: 3200-21159, 3910-09-02-002

Documentation: The applicant shall install the fencing and signage and provide the documentation photos and certification statement to the [DPLU, PCC].
Timing: Prior to the occupancy of any structure and prior to Final Grading Release (Grading Ordinance Sec. 87.421.a.3) the fencing and signage shall be installed. **Monitoring:** The [DPLU, PCC] shall review the photos and statement for compliance with this condition.

8. **"EASEMENT AVOIDANCE: [DPLU, PCC] [DPW, PDCI] [DPLU, FEE]. Intent:** In order to protect sensitive resources, pursuant to County Grading Ordinance Section 87.112 the open space easements shall be avoided. **Description of Requirement:** The easement indicated on this plan is for the protection of sensitive environmental resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. It is unlawful to grade or clear within an open space easement, any disturbance shall constitute a violation of the County Grading Ordinance Section 87.112 and will result in enforcement action and restoration. The only exceptions to this prohibition are:
 - a. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the Uniform Fire Code and the Memorandum of Understanding dated February 26, 1997, between the wildlife agencies and the fire districts and any subsequent amendments thereto.

- b. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of Planning and Land Use, Parks and Recreation or the Director of Public Works.

Documentation: The applicant shall provide a letter statement to the [DPLU, PCC] stating that all Sensitive Resource Easements were avoided during the grading construction, and that no impacts or encroachment into the open space occurred. **Timing:** Prior to Final Grading Release the letter verifying the easements were not disturbed shall be submitted. **Monitoring:** The [DPW, PDC/] shall not allow any grading, clearing or encroachment into the open space easement."

ENVIRONMENTAL FINDINGS:

A. CEQA Findings

TO BE PROVIDED

B. FINDINGS MADE IN SUPPORT OF THE ISSUANCE OF THE HABITAT LOSS PERMIT:

The following findings are made based upon all of the documents contained in the record for this project, and pursuant to Section 86.104 of County of San Diego Ordinance No. 8365 (N.S.) and Section 4.2.g of the CSS NCCP Process Guidelines (CDFG, November 1993):

Finding 1.a: The habitat loss does not exceed the five percent guideline.

The proposed project will impact 7.8 acres of Diegan coastal sage scrub. Approved coastal sage scrub losses as of the date of July 12, 2010 and including this approval, for the entire unincorporated County, outside the boundaries of the Multiple Species Conservation Program (MSCP), are presented in the following table:

Unincorporated Area Coastal Sage Scrub Cumulative Losses	
Total loss allowed under five percent guideline:	2,953.30 acres
Cumulative loss of Coastal sage scrub to date:	1,164.01 acres
Net loss due to this project:	7.80 acres
Total cumulative loss:	1,171.81 acres
Remaining loss under five percent guideline:	1,781.49 acres

Therefore, the habitat loss due to this project does not exceed the five percent guideline.

Finding 1.b: The habitat loss will not preclude connectivity between areas of high habitat values.

Based on the Evaluation Logic Flowchart within the Southern California Coastal Sage Scrub NCCP Conservation Guidelines, the project site has an intermediate value for long-term conservation. The majority of the project site is mapped as high and very high value on the County Habitat Evaluation Model while a few small portions of the site are mapped as medium and low quality.

The project will not preclude connectivity between areas of high habitat values because the development will be concentrated in the southeastern portion of the site abutting an existing equestrian facility and in the northwestern portion of the site adjacent to the existing residence onsite and existing agriculture offsite. Although the project will directly impact 7.8 acres (17%) of the coastal sage scrub onsite, the project will preserve 35.1 acres (78%) of coastal sage scrub in perpetuity. The onsite preserve will maintain connectivity to undeveloped lands to the northeast and southwest of the project site. The proposed mitigation exceeds the mitigation requirements outlined in the NCCP planning process and will benefit any future subregional NCCP planning effort.

Finding 1.c: The habitat loss will not preclude or prevent the preparation of the subregional NCCP.

The loss of 7.8 acres of coastal sage scrub onsite will not preclude the preparation of a subregional NCCP because the project will consolidate proposed development and disturbances in the southeastern portion of the site abutting an existing equestrian facility and in the northwestern portion of the site adjacent to the existing residence onsite and existing agriculture offsite. A total of 35.1 acres (78%) of Diegan coastal sage scrub will remain undisturbed and protected within a dedicated biological open space easement. The proposed project would maintain the site's habitat function and values and would preserve the highest value habitat onsite. To minimize indirect impacts, permanent fencing and signage will be implemented to separate the open space from the proposed development.

The project site has been designated as a Pre-Approved Mitigation Area (PAMA) for the draft North County Multiple Species Conservation Program (MSCP). The onsite preserve area will greatly benefit any future subregional NCCP planning effort. Therefore, the finding that the habitat loss will not preclude or prevent the preparation of the subregional NCCP can be made for the project.

Finding 1.d: The habitat loss has been minimized and mitigated to the maximum extent practicable in accordance with Section 4.3 of the NCCP Process Guidelines.

Of the 45.2 acres of coastal sage scrub onsite, 7.8 acres will be impacted by the proposed project. The habitat is considered of "intermediate" value, pursuant to the NCCP Logic Flow Chart. Due to the "intermediate" value of the habitat and the connectivity to offsite habitat to the northeast and southwest of the project, onsite preservation will be required. A biological open space easement will be dedicated over 36.6 acres onsite, including 35.1 acres of Diegan coastal sage scrub. In addition, a limited building zone easement will be dedicated in order to prevent construction of buildings that would require fire-clearing within the open space. Permanent fencing and signage will be required along the open space boundaries to prevent inadvertent trespass into the biological open space. Additionally, all grading and clearing will be performed outside of the avian breeding season. As such, the loss of Diegan coastal sage scrub will be mitigated to the maximum extent practicable for intermediate-value habitat in accordance with Section 4.3 the NCCP Process Guidelines.

Finding 2 The habitat loss will not appreciably reduce the likelihood of survival and recovery of listed species in the wild.

During protocol surveys for the California gnatcatcher in July, 2009, one individual gnatcatcher was observed in the northern corner of the project site. Additionally, the CNDDDB reports a pair of gnatcatchers observed in the site in March and April, 1996. Although 7.8 acres of California gnatcatcher habitat will be directly impacted by the project, it is not expected to affect the species survival and recovery in this area because the project proposes to preserve 35.1 acres of coastal sage scrub habitat within a dedicated biological open space easement. The proposed open space has been designed to include the location of the gnatcatcher sighting. The open space has been designed to retain connectivity of onsite habitat to offsite habitat to the northwest and southeast of the project site. To ensure no impacts to the California gnatcatcher or Turkey vulture will occur, no clearing or grading will be permitted during the avian breeding season, unless the County and wildlife agencies concur that gnatcatchers and/or raptors are not present in the vicinity of the brushing, clearing or grading. The above mentioned mitigation measures, including the dedication of biological open space and breeding season avoidance, will ensure that the proposed project will not appreciably reduce the likelihood of the survival and recovery of listed species.

Finding 3: The habitat loss is incidental to otherwise lawful activities.

The project will require grading plans for site preparation for rural residential development. The issuance of a Habitat Loss Permit by the County of San Diego, with the concurrence of the Department of Fish and Game and U.S. Fish and Wildlife Service and approval by the County of San Diego of a Grading Permit, Clearing Permit, or Improvement Plan is required prior to the clearing of any coastal sage scrub supported on the project site. No state or federal permits other than those mentioned above are identified as being required at this time.

Construction and/or land use modification will not commence until all appropriate permits have been issued. The project has been found to be in conformance with Section 86.104 of the San Diego County Code. As such, the anticipated loss will be incidental to "otherwise lawful activities".

NCCP FLOWCHART

1. Is natural vegetation present? **Yes.**
2. Is Coastal sage scrub present? **Yes.**
3. Is Coastal sage scrub the most dense in the subregion? **No.**
4. Is the land close to high value district. **Yes.**
5. Is the land located in a corridor between higher value districts. **Yes.**
6. Does the land support high density of target species? **No.**

Based on the NCCP Logic Flow Chart, the quality of habitat supported on the Hefner-Brown project is defined as being "Intermediate Value."

MITIGATION MONITORING AND REPORTING PROGRAM:

The following shall be the Mitigation Monitoring or Reporting Program for this Habitat Loss Permit:

Public Resources Code Section 21081.6 requires the County to adopt a mitigation reporting or monitoring program for any project that is approved on the basis of a mitigated Negative Declaration or an Environmental Impact Report for which findings are required under Section 21081(a)(1). The program must be adopted for the changes to a project which the County has adopted, or made a condition of project approval, in order to mitigate or avoid significant effects on the environment. The program must be designed to ensure compliance during project implementation.

The mitigation monitoring program is comprised of all the environmental mitigation measures adopted for the project. The full requirements of the program (such as what is being monitored, method and frequency, who is responsible, and required time frames) are found within the individual project conditions. These conditions are referenced below by category under the mechanism which will be used to ensure compliance during project implementation.

- Subsequent Project Permits

Compliance with the following conditions is assured because specified subsequent permits or approvals required for this project will not be approved until the conditions have been satisfied:

1, 2, 3, 4, 5, 7

- Ongoing Mitigation

Compliance with the following conditions is assured because County staff will monitor the on-going requirements and, if necessary, pursue the remedies specified in the project permit, the security agreement, or the mitigation monitoring agreement:

6 and 8

NOTICE: The issuance of this permit by the County of San Diego does not authorize the applicant for said permit to violate any federal, state, or county laws, ordinances, regulations, or policies, including but not limited to, the federal Endangered Species Act and any amendments thereto.

NOTIFICATION TO APPLICANT: Because your project has an effect on native biological resources, State law requires the payment of a \$2,010.25 fee to the California Department of Fish and Game for their review of the Mitigated Negative Declaration (Fish and Game Code §711.4) and a \$50 administrative fee to the County (\$2,060.25 total). If you made this payment at the time of public review of the environmental document pursuant to Administrative Code Section 362, Article XX, effective August 27, 1992, you have met this obligation. If the fee has not been paid, to comply with State law, the applicant should remit to the County Department of Planning and Land Use, within two (2) working days of the effective date of this approval (the "effective date" being the end of the appeal period, if applicable). **The payment must be by certified check or cashier's check payable to the "County of San Diego" and can be submitted to the cashier at the DPLU office or directly to the County Clerk.** The fees (excluding the administrative fee) may be waived for projects that are found by the Department of Planning and Land Use and the California Department of Fish and Game to have a no effect impact on fish and wildlife resources. Failure to remit the required fee in full within the time specified above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the provisions of the Revenue and Taxation Code. In addition, Section 21089(b) of the Public Resources Code, and Section 711.4(c) of the Fish and Game Code, provide that no project shall be operative, vested, or final until the required filing fee is paid.

JUDICIAL REVIEW TIME LIMITATIONS: The time within which judicial review of this decision must be sought is governed by Code of Civil Procedure Section 1094.6, which has been made applicable in the County of San Diego by San Diego County Code Section 11.120. Any petition or other paper seeking judicial review must be filed in the appropriate court not later than the 90th day following the date on which this decision becomes final; however, if within 10 days after the decision becomes final a request for the record of the proceedings is filed and the required deposit in an amount sufficient to cover the estimated cost of preparation of such record is timely deposited, the time within which such petition may be filed in court is extended to not later than the 30th

day following the date on which the record is either personally delivered or mailed to the party, or the party's attorney of record. A written request for the preparation of the record of the proceedings shall be filed with the Director, Department of Planning and Land Use, 5201 Ruffin Road, Suite B, San Diego, California 92123.

The foregoing decision was approved by the Director of Planning and Land Use on date of decision. A copy of this decision, and the documentation supporting the decision, is on file in the Department of Planning and Land Use offices at 5201 Ruffin Road, Suite B, San Diego, California.

DEPARTMENT OF PLANNING AND LAND USE
ERIC GIBSON, DIRECTOR

BY:

RICH GRUNOW, Planning Manager
Project Planning Division

EG:RG:ag

Attachments

Habitat Loss Exhibit dated August 19, 2010
USGS Map
Biological Resources and Wetland Survey Report (Bill Everett, May 18, 2010)

cc: To be provided at issuance of Habitat Loss Permit

CSS HABITAT EXHIBIT

TPM 21159 RPL

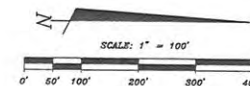
HEFNER-BROWN

APN 127-110-81

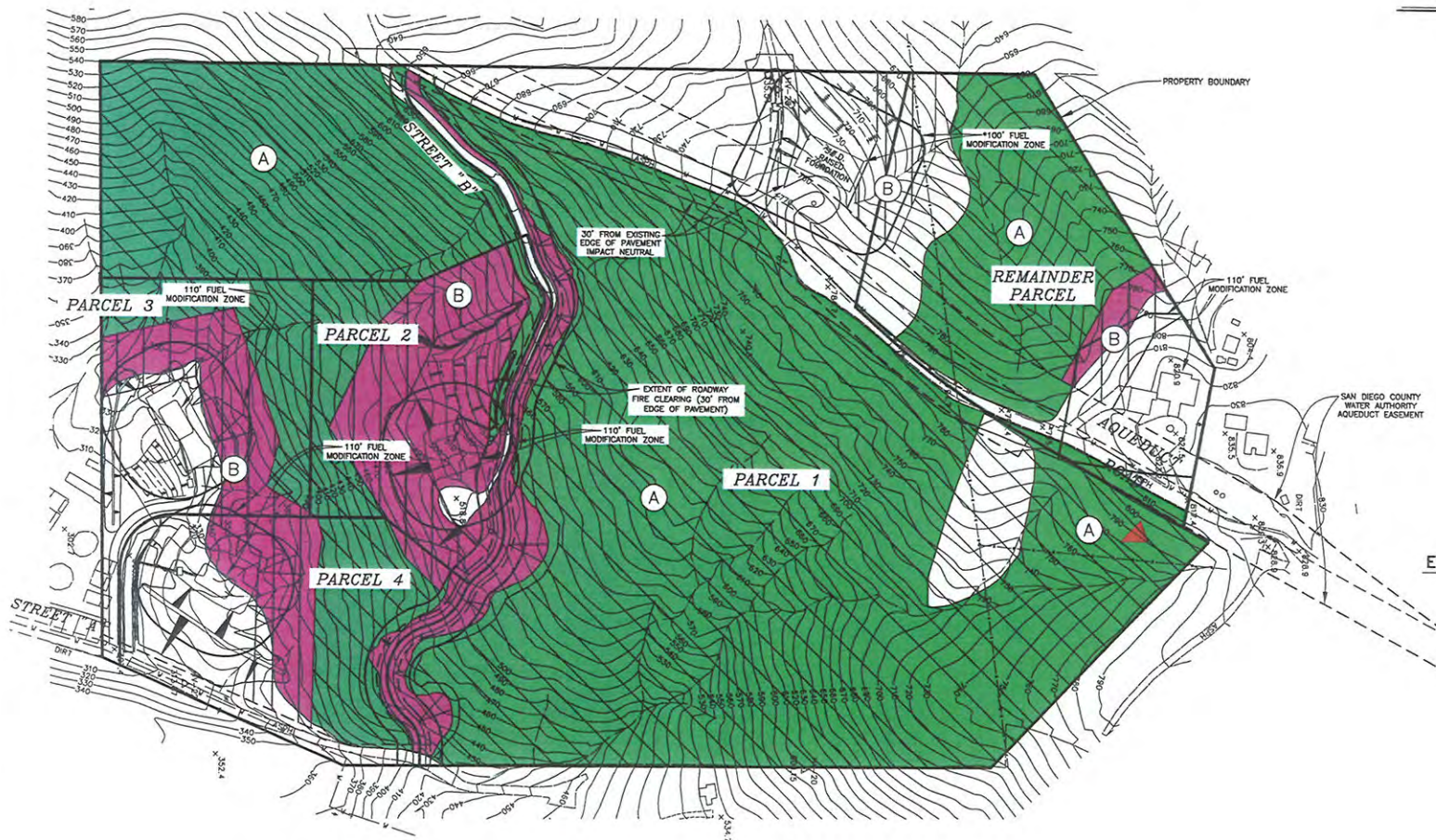
WILLIAM T. EVERETT
EVERETT AND ASSOCIATES
ENVIRONMENTAL CONSULTANTS
POST OFFICE BOX 1085
LA JOLLA, CALIFORNIA 92038
(858) 456-2990

BASE MAP PREPARED BY:

SCOTT HARRY, P.E. 63792
KARN ENGINEERING & SURVEYING, INC.
129 WEST FIG STREET
FALLBROOK, CALIFORNIA 92028
(760) 728-1134



ENVIRONMENTAL LOG NO. 09-02-002



LEGEND

- DIEGAN COASTAL SAGE SCRUB (45.21 ACRES) HOLLAND CODE 32500
- IMPACTED DIEGAN COASTAL SAGE SCRUB
- NON CSS HABITAT (12.69 ACRES)

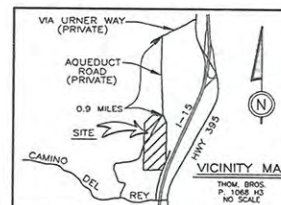
▲ LOCATION OF GNATCATCHER SIGHTING



PROPOSED BIOLOGICAL OPEN SPACE EASEMENT

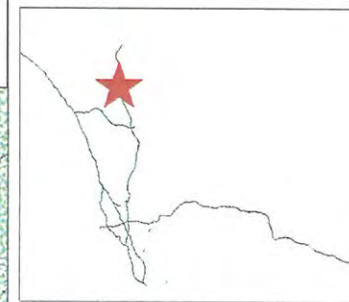
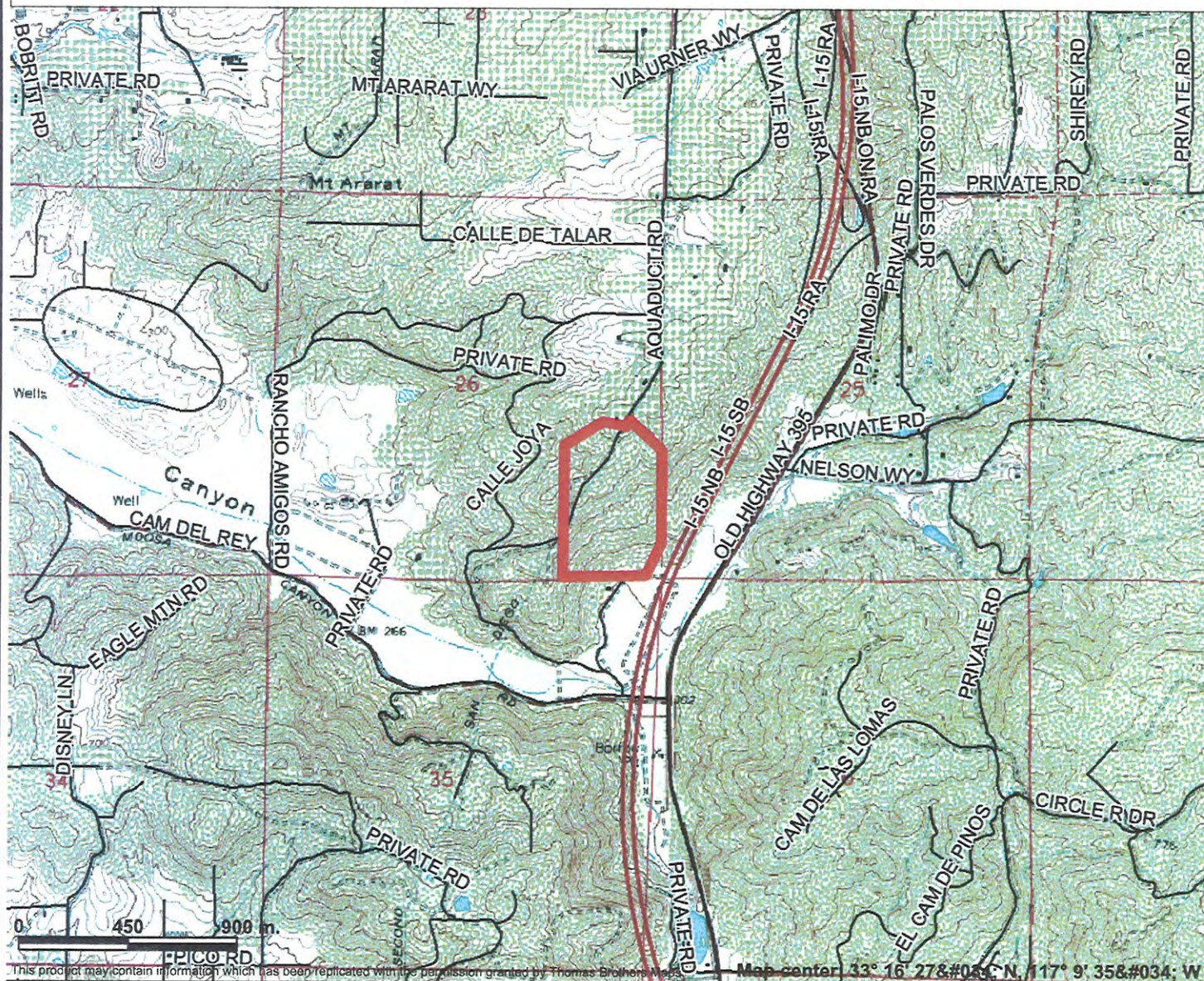


PROPOSED LIMITED BUILDING ZONE EASEMENT (110') (*100' FOR PARCEL 1)



NOTE:
VEGETATION COMMUNITY MAPPING IS PREPARED USING OVERLAYS OF CURRENT AERIAL PHOTOGRAPHS AND IS VERIFIED ON THE GROUND TO THE GREATEST DEGREE POSSIBLE IN THE ABSENCE OF A SYSTEMATIC LAND SURVEY. ALL VEGETATION AREAS, BOUNDARIES, AND FUEL MODIFICATION ZONE LIMITS ARE ESTIMATES SUBJECT TO FINAL DELINEATION BY A PROFESSIONAL LAND SURVEYOR.

TPM 21159



Legend

- Highways
- Freeways
- Streets
- Water Bodies
- Water Bodies
- County Boundary2



Scale: 1:24,742



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